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(for filings only)
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Class Members

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

C.E. MEDEL,

Plaintiff,

v.

**DARREN ARAKAWA, GIL
HURTADO, MARIA DAVILA,
MARIA del PILLAR AVALOS, AL
RIOS, JOSHUA BARRON,
GILBERTO VARELLA, and 10
UNKNOWN, NAMED
DEFENDANTS,**

Defendants.

COMPLAINT

**CLASS ACTION ALLEGATIONS
DEMAND FOR JURY TRIAL**

Judge

Plaintiff makes the following allegations in support of the this complaint:

JURISDICTION AND VENUE

1. Plaintiff asserts his federal claims, pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1985(3) and subject matter jurisdiction lies pursuant to 28 U.S.C. § 1331 of these federal claims.

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1 8. All acts and/or omissions perpetrated and/or engaged in by each
2 defendant, in their individual capacities, were louché, and done maliciously,
3 callously, oppressively, wantonly, recklessly, with deliberate indifference to the
4 rights allegedly violated, despicably, with evil motive, and/or intent, in disregard
5 of the clearly-established rights of plaintiff, and in clear violation of the federal
6 Constitution and of the California Constitution, and of controlling federal law,
7 both statutory and common law, as set forth by both the United States Supreme
8 Court and the United States Court of Appeals for the Ninth Circuit.

9 9. On or about Jan. 20, 2023, Defendant officer Varella unlawfully used
10 excessive force against plaintiff and assaulted, battered, and harassed plaintiff,
11 by sicing his police dog on plaintiff, without sufficient facts or legal cause to do
12 so, then not calling off the dog, and encouraging the dog to further attack plaintiff,
13 thereby inflicting on plaintiff serious physical and emotional injuries.

14 10. Defendant police chief Arakawa, as the supervisory officer responsible
15 for the conduct of defendant Varella, is liable for his failure to take corrective
16 action with respect to police personnel, whose vicious propensities were notorious,
17 and to assure proper training and supervision of the personnel, and to implement
18 meaningful procedures to discourage lawless official conduct. This action is
19 brought pursuant to 42 U.S.C. § 1983, and the First, Fourth and Fourteenth
20 Amendments to the Constitution of the United States.

21 11. As a result of the misconduct hereinbefore described, plaintiff
22 experienced humiliation, emotional distress, pain, and suffering, and was
23 otherwise damaged. He was also severely physically injured as a result of conduct
24 alleged.

25 12. The abuse to which plaintiff was subjected was inflicted as the result of
26 and was caused by the institutionalized practice of the SPD, which was known to,
27 and ratified by the non-police defendants, with those defendants having at no time
28

1 taken any effective action to prevent SPD personnel from continuing to engage in
2 such abhorrent misconduct.

3 13. Defendant Arakawa and the supervisor defendants, all ratified,
4 condoned, approved of, acquiesced in, authorized, tolerated, and were the moving
5 forces behind the institutionalized practices, and all of the misconduct
6 hereinbefore detailed, by:

- 7 a. Failure to properly discipline, restrict, and control police employees;
8 b. Failing to take adequate precautions in the hiring, promoting, and retention of
9 police personnel, including Varella;
10 c. Failing to forward to the office of the District Attorney of Los Angeles County
11 evidence of criminal acts committed by police personnel;
12 d. Failing to establish and/or assure the functioning of a bona fide and meaningful
13 departmental system for dealing with complaints/grievances of police
14 misconduct, but instead failing to respond to such complaints, or responding to
15 such complaints with misused bureaucratic power and official denials
16 calculated to mislead the public. This conduct constitutes gross negligence
17 under state law;
18 e. Failing to remedy the unconstitutional conditions;
19

20 14. As a consequence of the abuse of authority detailed above, plaintiff
21 sustained damages hereinbefore alleged.

22 15-68. Reserved.

23 **COUNT ONE**

24 (Against All Defendants, 42 U.S.C. § 1983)

25 69. Plaintiff realleges specifically the allegations set forth in above
26 averments, and, by virtue thereof, all defendants are liable to plaintiff, pursuant to
27 42 U.S.C. § 1983, for violation of plaintiff's First, Fourth, and Fourteenth
28 Amendment rights, not to be subjected to unreasonable searches, seizures, stops,
arrests, and excessive force.

70. Defendants police chief, mayor, and city council members are responsible for the constitutional violations set forth in averment 69 and for the violations committed by defendant Varella, because they set the policies and accepted the customs of the SPD, among which were unconstitutional, brutalizations, and plaintiff herein was subjected to such brutalization and thuggery.

COUNT TWO

(Against Defendants Police Chief, Mayor, and Council Members, Under Sec. 1983, *Monell*)

71. "[When] the complaint plausibly alleges a policy, custom, or practice leading to that violation[, s] *see Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009)[,] [and] Plaintiffs' allegations amount to . . . more than an 'isolated or sporadic incident[]' that . . . forms the basis of *Monell* liability for an improper custom. *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996) [prosecuted by plaintiff's counsel herein]." *Saved Magazine v. Spokane Police Dep't*, 19 F.4th 1193, 1201 (9th Cir. 2001).

72. Defendants police chief, mayor and council members are liable to plaintiff because they had and have, and foster, policies, practices, procedures, and customs of First, Fourth, and Fourteenth Amendment violations by members of SPD, which policies, in violation of the these Amendments, were the moving forces that caused the violation of the plaintiff's rights, as alleged herein, because that practice was a moving force that caused the violations of the plaintiff's rights as alleged herein.

73-82. Reserved.

CLASS ACTION ALLEGATIONS

83. Plaintiff is a member of four classes, whose defining characteristics are that they are persons who were subjected to First, Fourth, and Fourteenth Amendment violations, at the hands of defendants, by being subjected to unreasonable force at the hands of police.

1 84. The Class contains approximately at least 1,00 people, so that the class
2 each is so numerous so that joinder of all members is impracticable.

3 85. There are only common questions of fact and of law with respect to all
4 class members of each class.

5 86. The claims made by the representative party of each class, plaintiff, are
6 typical of the claims of each class member.

7 87. The representative of the class, plaintiff, more than fairly, vigorously,
8 and zealously will represent and adequately protect the interests of all class
9 members, both themselves and through their very zealous attorney.

10 88. Prosecution of separate actions by individual class members would
11 create a risk of inconsistent and/or varying adjudications with respect to class
12 members, which would establish incompatible standards for parties opposing the
13 classes.

14 89. Defendants have acted and will continue to act on grounds generally
15 applicable to every class member in both classes, and the class questions not only
16 predominate but are the only questions that exist, and this action is the far superior
17 manner to other available methods for fairly and efficiently adjudicating the
18 controversies.

19 90. The class members' interests in individually controlling the prosecution
20 or defense in separate actions do not exist, and there are no anticipated difficulties
21 in managing this class action, especially as to identification of the amount of
22 damages, identification of class members, and providing actual notice to virtually
23 all class members.

24 91. Therefore, this action is maintainable under Fed. R. Civ. P. Rule 23(a),
25 & 23(b)(1)(A),(B)(1), (2), and (3).

26 92. The nature of the notice to be provided to class members would be
27 decided by the court.
28

1 93. The definition of the class is set forth hereinabove.

2 **WHEREFORE**, plaintiff requests relief on behalf of himself and on behalf
3 of each class member against each defendant as follows:

4 1. Compensatory damages \$1,000,000;

5 2. Punitive damages on all non-*Monell* claims, in sums to be determined by
6 a jury, and as a percentage of the net worth of each defendant, in sums sufficient to
7 deter future misconduct, and not less than \$10,000,000 per defendant;

8 4. The costs of action and interest;

9 5. Attorneys' fees; and,

10 6. Such other relief as is just and proper.

11 **JURY DEMAND**

12 Plaintiff demands trial by jury of all issues.

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14 **YAGMAN + REICHMANN, LLP**

15 By: /s/ Stephen Yagman
16 **STEPHEN YAGMAN**
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